

CF 1002

**IN THE HIGH COURT OF CHHATTISGARH**  
**AT BILASPUR**

**WRIT PETITION (S) No. 5225/2006**

**PETITIONER**

:: Ganga Prasad Bhatpahari, S/o.  
Shri S.R. Bhatpahari, aged about  
40 years, Occupation Assistant  
Teacher- Balak Chhatrawas,  
Abhanpur, Block Abhanpur,  
District Raipur, R/o. Village and  
Post Abhanpur, Block Abhanpur,  
District Raipur (C.G.)

P.R. No. 5166/06  
Presented by Shri. Uma Parsh  
dated 15/9/06

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**VERSUS**

**RESPONDENTS**

- :1) State Of Chhattisgarh, Through  
Secretary, Tribal Welfare, DKS  
Bhavan, Raipur (C.G.)
- :2) Assistant Commissioner,  
Department Of Tribal Welfare,  
Raipur (C.G.)
- :3) The Block Education Officer,  
Abhanpur District Raipur (C.G.)

**WRIT PETITION UNDER ARTICLES 226/227**  
**OF THE CONSTITUTION OF INDIA**



**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**W. P.(S) No. 5225/2006**

Petitioner : Ganga Prasad Bhatpahari  
Versus  
Respondents : State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

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Smt. Hamida Siddique, counsel for the petitioner.

Shri Ajay Dwivedi, Panel lawyer for the respondents/State.

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**ORDER**

(3<sup>rd</sup> October, 2006)

The following order of the Court is passed by Satish K. Agnihotri, J.

1. By this petition under Article 226/227 of the Constitution of India the petitioner seeks a direction to the respondents to pay the increments and seniority on the basis of the date of his initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in O.A. No. 1452/98 (Harish Chand Singh & others Vs. State of M.P. & others) dated 31.1.2000.
2. Learned counsel appearing for the petitioner placed on record a copy of the order dated 23.3.2006 passed by this Court in Writ Petition No. 2577/2003 (NemSingh Thakur and others Vs. State of Chhattisgarh & others) and submits that the petitioner is similarly situated, therefore, the similar order may be passed.
3. The case of the petitioner is that he was appointed as Assistant Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on after completion of two years tenure the petitioner was regularized, but he was not given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioner made several representations to accord the same

treatment as he is also similarly situated Assistant Teacher, but the respondents have not paid any heed. Thus this petition.

4. Learned counsel appearing for the State/respondents submits that the difference between the Upper Division Teacher and Assistant Teacher is that the fixed salary of the Assistant Teacher was Rs. 1200/- p.m. and that of Upper Division Teacher was Rs. 1400/- p.m. The process of selection and period of probation was one and the same.
5. Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to the Respondent No. 1 to give similar treatment to the petitioner and the same pay scale which have been sanctioned to other similarly situated teachers on the basis of the order dated 31.3.2000 of the State Administrative Tribunal, to which learned State counsel has no objection.
6. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court the limited prayer made by learned counsel for the petitioner appears to be reasonable. Therefore, the petitioner is allowed to make a representation within a period of two weeks from today to the respondent No. 1, raising all his grievances and in turn the Respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioner and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in O.A. No. 1452/98, and if the petitioner stands on the same footings, as the petitioners in the O.A. No. 1452/98 then he be also sanctioned the same pay scale and seniority.
7. This writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

Sd/-  
Satish K. Agnihotri  
Judge